

From the  
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

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WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No  
PCT/GB2004/004716

International filing date (day/month/year)  
09.11.2004

Priority date (day/month/year)  
10.11.2003

International Patent Classification (IPC) or both national classification and IPC  
B63B27/14, B63B27/18

Applicant  
THE ENGINEERING BUSINESS LIMITED

1. This opinion contains indications relating to the following items:

- ☒ Box No I Basis of the opinion
- ☐ Box No II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No IV Lack of unity of invention
- ☒ Box No V Reasoned statement under Rule 43bis 1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☒ Box No VIII Certain observations on the international application

2 **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220

3 For further details, see notes to Form PCT/ISA/220

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.  
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:  
☐ a sequence listing  
☐ table(s) related to the sequence listing
  - b. format of material:  
☐ in written format  
☐ in computer readable form
  - c. time of filing/furnishing:  
☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	1-6,11-15,26-37,45-62
	No: Claims	7-10,16-25,38-44
Inventive step (IS)	Yes: Claims	45-62
	No: Claims	1-6,11-15,26-37
Industrial applicability (IA)	Yes: Claims	1-62
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

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**Box No. VII Certain defects in the international application**

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The following defects in the form or contents of the international application have been noted:

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Point V**

1. Reference is made to the following documents:

D1: GB-A-2 225 753

D2: US-A-6 435 795

D3: US2002/0083881

D4: US2003/0182741

D5: GB-A-2 246 992

2. Document D1 discloses a method for providing access from a first marine structure (10) to a second marine structure (22) comprising: providing a gangway apparatus (20) in a stored condition (at 18) on the first marine structure (10), the first marine structure being proximate the second marine structure, providing at least one guide wire (42, 43) attached to the first marine structure, the gangway (20) apparatus being attached or attachable to a said guide wire by means of one or more slidable fixings-, extending the at least one guide wire from the first marine structure and connecting the at least one guide wire (42, 43) between a location on the first marine structure and an attachment location on the second marine structure proximate the location of entry to the second marine structure, controlling and when necessary , adjusting the position of the first marine structure so that it is maintained in spaced apart relation to the second marine structure , and maintaining the at least one guide wire at a desired tension, moving the gangway apparatus from the stored condition to a use condition by sliding the slidable fixings along a said guide wire until the gangway apparatus spans the gap between the first marine structure and location of entry to the second marine structure.

The only difference of this prior art with the subject matter of claim 1 is that the first marine structure is situated proximate to the second marine structure, whereas in claim 1 the first marine structure is positioned close to the second structure. This difference however does not introduce an inventive step since, once known the method, the skilled man would immediately consider the possibility of positioning either of both structures close to the other, depending on the circumstances.

The subject matter of claim 1 is therefore not inventive.

3. 3.1 The subject matter of claims 2-5 has already been disclosed in the same document D1. The subject matter of claim 6 is merely one of the possible scenarios for the application of the method of claim 1, being normal in offshore operations the transfer of personnel or goods between two vessels, see i.e. document D2.

The subject matter of claim 6 does not comply with Art. 33 (3) PCT either.

4. 4.1 Document D1 also discloses an apparatus for providing a bridge structure for the transfer of personnel, goods or equipment from a first marine structure (10) to a second marine structure (22) comprising at least one inflatable member (46, 47) which is transformable from a compact state to an extended state by inflation thereof, attachment means for attaching the apparatus to the first marine structure (10), means for inflating the inflatable member, at least one guide wire (42, 43) and means for attaching the guide wire to the first marine structure (10, the guide wire being extendable from the first marine structure and attachable to an attachment location on the second marine structure (22) proximate the location of entry to the second marine structure, means mounted in use on the first marine structure for maintaining a desired tension in the at least one guide wire (page 10, lines 2-6), a plurality of slidable fixings slidable along a said guide wire (42, 43) on inflation of the at least one inflatable member (46, 47), by means of which fixings the at least one inflatable member is operatively suspendible from at least one wire.

The subject matter of claim 7 is not novel.

4.2 The same document discloses all the features of dependent claims 8-10, 16-25 and 38-44. The subject matter of these claims does not comply with Art. 33 (2) PCT.

4.3 The features of dependent claims 11-15 have already been employed for the same purpose in another floating structure, see document D3. It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a walking platform according to document D1, thereby arriving at a solution according to the above mentioned claims.

4.4 The features of claims 26, 30-33 and 37 is merely one of several straight-

forward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill, in order to solve the problem posed.

4.5 The features of claims 27-29 have already been employed for the same purpose in a similar turning support, see documents D4 and D5. It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply these features with corresponding effect to an arrangement according to document D1, thereby arriving at solutions according to claims 27-29

5. The combination of the features of dependent claim 45 and independent claim 50 is neither known from, nor rendered obvious by, the available prior art. None of the referred documents discloses the provision of a runway in which the gangway is stored; this arrangement improves deployment operation and safety.

#### **Point VII**

1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is/are this/these document/s identified therein.
2. Independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble, (Art. 6.3(b)(I) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).

#### **Point VIII**

1. Although claims 7 and 50 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.
2. There is a large number of dependent claims that appear to refer to the same subject matter or that are drafted in reference to drawings in the application i.e.

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International application No.

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claims 38-44, 59, 60 and 62. Article 6 PCT is not met.